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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/009,294	01/20/98	MILLS	911319

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IM22/0526

EXAMINER

KALAFUT, S

ART UNIT

PAPER NUMBER

1745

DATE MAILED: 05/26/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**09/009,294**

Applicant(s)

**Mills**

Examiner  
**Stephen J. Kalafut**

Group Art Unit  
**1745**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-64 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-64 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-64 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. The present application states that the present hydride ions are formed from hydrogen atoms having an increased binding energy, called "hydrinos".

However, according to applicant's own statements, hydrino atoms cannot react with anything, except another hydrino, and cannot be held in a container since they are so small that they will pass through the walls of whatever container that they are formed in. It would thus be impossible to produce something else from hydrinos, since they can neither be contained nor reacted (except with another hydrino). See the *Institute for Social Ecology* Newsletter issue of December 22, 1998, page 2, and the *Animal Rights Resource Site* interview of the present applicant, February 2, 1998, pages 2 and 3; both articles written by Art Rosenblum.

3. Claims 1-64 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The present claims are drawn to compositions comprising hydride ions having various energy levels, and methods of making them. The specification, however, does not show how to make each hydride of the respective binding energy level, or give guidelines as to how the use of different catalysts results in a respective binding energy. A general net enthalpy formula is given,

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but how this relates to the final binding energy is not set forth. Also, as stated above, the present hydrino hydrides are recited as being made from a type of hydrogen, which the applicant has admitted cannot be contained nor reacted with something other than itself. Something which can neither be contained nor reacted would also not be enabled for the skilled artisan to use.

4. Claims 1-64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are considered incomplete because they require or encompass a material comprising a hydrogen anion, but do not recite a positive ion, which must be present to conserve charge. In claims 62 and 64, the recitation that hydrogen reacts with a catalyst is confusing, because a catalyst by definition does not enter into a reaction, but only helps other substances to react.

5. The disclosure is objected to because of the following informalities: On page 70, there are two formulas in which a neutral hydrogen atom exhibits two covalent bonds; which is impossible. Appropriate correction is required.

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mills *et al.* "Dihydrino Molecule Identification" of which applicant is a co-author, discusses the energy states of atomic hydrogen. Bartlit *et al.* (US 4,353,871) disclose a method

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of separating hydrogen isotopes. Gupta *et al.* (US 4,986,887) disclose an apparatus for generating hydrogen. Winstel (US 4,265,720) discloses a material for storing hydrogen, which includes silicon. Nelson (US 4,512,966) discloses the production of sodium aluminum tetrahydride. Wolfrum *et al.* (US 4,664,904) disclose a method of generating atomic hydrogen. Buxbaum (US 5,215,729) discloses a membrane which extracts hydrogen from fluid streams, which includes Pt or Pd. Pollock (US 3,359,422) discloses an arc discharge device for the production of neutrons.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Kalafut whose telephone number is (703) 308-0433. If attempts to reach the examiner are unsuccessful, his supervisor, Maria Nuzzolillo, may be reached at (703) 305-3776. The Technology Center receptionist may be reached at (703) 308-0661.



sjk

May 23, 1999

STEPHEN KALAFUT  
PRIMARY EXAMINER  
GROUP 1700